

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ANDREW ROBERTSON,
Defendant.

Criminal No. 21-209 (CKK)

ORDER
(February 7, 2022)

Pending before this Court is Defendant's [80] Emergency Motion to Vacate Reporting Date. On August 16, 2021, Defendant Andrew Robertson was sentenced to a period of forty-one (41) months of incarceration, followed by three years of supervised release. *See* Judgment, ECF No. 71. Mr. Robertson was permitted to self-surrender to the Federal Bureau of Prisons ("BOP") on "any date so directed by the Bureau of Prisons after October 25, 2021. *See* Order, ECF No. 74. Subsequently, Defendant moved for several extensions of his reporting date because of ongoing medical problems, and those motions were granted by this Court. *See* Order, ECF No. 76 (continuing the self-surrender date to November 25, 2021); Order, ECF No. 78 (setting a reporting date of January 24, 2022).

Mr. Robertson received notification by the BOP that his self-surrender date was set for January 24, 2022, and he was directed to report to Butner FCI, in Butner, North Carolina. *See* Emergency Motion, ECF No. 80, at 1. Mr. Robertson failed to report on that date due to being admitted to the psychiatric ward of the University Hospital of Newark, New Jersey ("University Hospital") for mental health treatment in the early morning hours of January 24, 2022. *Id.* Then, on January 26, 2022, Mr. Robertson was "admitted to the Summit Oaks Hospital ("Summit Oaks") in Summit, New Jersey, where he is now receiving in-patient mental health treatment." *Id.* In his

Emergency Motion, Defendant requests that this Court vacate indefinitely Mr. Robertson's self-surrender date. *Id.* at 2. The Government does not object to Mr. Robertson completing his in-patient mental health treatment, but requests that Mr. Robertson be taken into custody by the United States Marshals upon his discharge from Summit Oaks.

This Court having considered the Defendant's Emergency Motion and the Government's indicated opposition and the record in this case, it is this 7th day of February 2022,

ORDERED that Defendant's [80] Emergency Motion is DENIED. Mr. Robertson's self-surrender date of January 24, 2022 is hereby revoked by this Court *nunc pro tunc* to January 24, 2022, due to his admission to the University Hospital psychiatric ward, followed by his admission to Summit Oaks, where he is currently receiving mental health treatment; and it is further

ORDERED that this Court vacates its November 23, 2021 Order, docketed at ECF No. 78, which allows Defendant to self-report to a facility designated by the BOP; and it is further

ORDERED that Mr. Robertson's personal recognizance bond is revoked, and it is further

ORDERED that a bench warrant shall issue directing the United States Marshals Service to take Defendant into custody upon his release from Summit Oaks, and transport him to a facility designated by the BOP to start serving his sentence. The warrant shall notify the United States Marshals Service of Defendant's mental health needs and request expedited transfer to the BOP-designated facility. If a facility is not immediately designated by the BOP, Defendant should be detained in a facility that can provide basic mental health services; and it is further

ORDERED that a copy of this Order will be provided to counsel, the United States Probation Office, Pretrial Services, the United States Marshals Service, and a representative of Summit Oaks.

/s/

COLLEEN KOLLAR-KOTELLY
UNITED STATES DISTRICT JUDGE